

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANINE WEATHINGTON,

Plaintiff,

v.

Case No. 08-CV-15267-DT

SHERIFF WARREN EVANS, ET.AL.,

Defendant(s).

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING COMPLAINT WITHOUT PREJUDICE**

The case was referred to United States Magistrate Judge Virginia M. Morgan pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.1(b)(2). The magistrate judge issued her report on August 18, 2009, recommending that this court dismiss the case without prejudice for lack of prosecution. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived. In addition, the failure to object to the magistrate judge's report releases the court from its duty to review independently the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, this matter is DISMISSED WITHOUT PREJUDICE.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 8, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 8, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522